

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**CERTIFICATE OF EXPRESS MAILING**

I hereby certify that this paper and the documents and/or fees referred to as attached herein are being deposited with the United States Postal Service on April 16, 2004 in an envelope as "Express Mail Post Office to Addressee" service under 37 CFR § 1.10, Mailing Label Number EV445425947US, addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Kay Harlow

Attorney Docket No: ADAPP253.CIP

First Named Inventor: Alexander H. Frey

17497 U.S. PTO  
10/825717

**UTILITY PATENT APPLICATION TRANSMITTAL (37 CFR. § 1.53(b))**  
(Continuation, Divisional or Continuation-in-part application)

Commissioner for Patents  
Alexandria, VA 22313-1450

☐ Duplicate for  
fee processing

Sir: This is a request for filing a patent application under 37 CFR. § 1.53(b) in the name of inventors:  
Alexander H. Frey and Keith E. Conner

For: METHODS OF AND APPARATUS FOR EFFICIENT BUFFER CACHE UTILIZATION

This application is a ☐ Continuation ☐ Divisional ☒ Continuation-in-part  
of prior Application No.: 10/717,314, filed November 18, 2003, and 09/691,579, filed October 18, 2000,  
from which priority under 35 U.S.C. § 120 is claimed.

**Application Elements:**

- ☒ 71 Pages of Specification, Claims and Abstract  
☒ 12 Sheets of **informal** Drawings  
☒ 02 Declaration  
☒ Newly executed (original or copy)  
☐ Copy from a prior application (37 CFR 1.63(d) for a continuation or divisional).  
The entire disclosure of the prior application from which a copy of the declaration is  
herein supplied is considered as being part of the disclosure of the accompanying  
application and is hereby incorporated by reference therein.  
☐ Deletion of inventors Signed statement attached deleting inventor(s)  
named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).

**Accompanying Application Parts:**

- ☒ Assignment and Assignment Recordation Cover Sheet (recording fee of \$40.00 enclosed)  
☐ Power of Attorney  
☐ 37 CFR 3.73(b) Statement by Assignee

- ☐ Information Disclosure Statement with Form PTO-1449    ☐ Copies of IDS Citations  
☐ Preliminary Amendment (*New claims numbered after highest original claim in prior application.*)  
☒ Return Receipt Postcard  
☒ Request and Certification Under 35 U.S.C. 122(b)(2)(B)(i)  
☐ Other:

Claim For Foreign Priority

- ☐ Priority of \_\_\_\_\_ Application No. \_\_\_\_\_ filed on \_\_\_\_\_ is claimed under 35 U.S.C. § 119.  
☐ The certified copy has been filed in prior application U.S. Application No. \_\_\_\_\_  
☐ The certified copy will follow.

Extension of Time for Prior Pending Application

- ☐ A Petition for Extension of Time is being concurrently filed in the prior pending application. A copy of the Petition for Extension of Time is attached.

Amendments

- ☐ Amend the specification by inserting before the first line the sentence: "This is a  
☐ Continuation    ☐ Continuation-in-part    ☐ Divisional  
 application of copending prior  
☐ Application No. \_\_\_\_\_ filed on \_\_\_\_\_,  
☐ International Application \_\_\_\_\_ filed on \_\_\_\_\_ which  
 designated the United States,  
 the disclosure of which is incorporated herein by reference."  
☐ Cancel in this application original claims \_\_\_\_\_ of the prior application  
 before calculating the filing fee. (*At least one original independent claim must be retained.*)

Fee Calculation (37 CFR § 1.16)

	(Col. 1) NO. FILED	(Col. 2) NO. EXTRA	SMALL ENTITY RATE	FEE	OR	LARGE ENTITY RATE	FEE
BASIC FEE			\$385	\$	OR	\$770	\$770.00
TOTAL CLAIMS	<u>38</u> -20 = <u>18</u>		x09 =	\$	OR	x18 =	\$324.00
INDEP CLAIMS	<u>07</u> -03 = <u>04</u>		x43 =	\$	OR	x86 =	\$344.00
[ ] Multiple Dependent Claim Presented			\$145 =	\$	OR	\$290 =	\$
* If the difference in Col. 1 is less than zero, enter "0" in Col. 2.			Total	\$	OR	Total	\$1,438.00

- ☒ Check No. 10845 in the amount of \$1,478.00 is enclosed.  
☒ The Commissioner is authorized to charge any fees beyond the amount enclosed which may be required, or to credit any overpayment, to Deposit Account No. 50-0805 (Order No. ADAPP253.CIP ).

Request for Small Entity Status

☐ Applicant is entitled to small entity status.

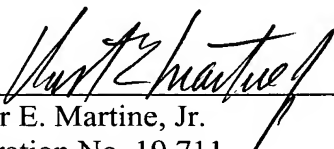
General Authorization for Petition for Extension of Time (37 CFR §1.136)

☒ Applicants hereby make and generally authorize any Petitions for Extensions of Time as may be needed for any subsequent filings. The Commissioner is also authorized to charge any extension fees under 37 CFR §1.17 as may be needed to Deposit Account No. 50-0805 (Order No. ADAPP253.CIP ).

☒ Please send correspondence to the following address:

**Chester E. Martine, Jr.  
Martine & Penilla, LLP  
710 Lakeway Drive, Suite 170  
Sunnyvale, CA 94085  
Customer Number 25920**

Date: April 16, 2004

  
\_\_\_\_\_  
Chester E. Martine, Jr.  
Registration No. 19,711

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of	)	
Frey et al.	)	Examiner: Unassigned
Application No. Unassigned	)	Art Unit: Unassigned
Filed: April 16, 2004	)	Docket No. ADAPP253.CIP
For: METHODS OF AND APPARATUS	)	Date: April 16, 2004
FOR EFFICIENT BUFFER CACHE UTILIZATION)	)	
_____	)	

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Signed: \_\_\_\_\_

Kay Marlow

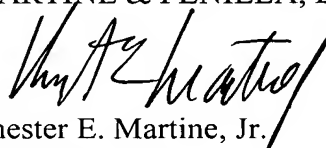
REQUEST AND CERTIFICATION UNDER 35 U.S.C. § 122(b)(2)(B)(i)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. § 122(b).

Respectfully submitted,  
MARTINE & PENILLA, LLP

  
Chester E. Martine, Jr.  
Reg. No. 19,711

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